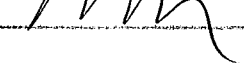


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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

BY: 

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

HSBC BANK USA, NATIONAL  
ASSOCIATION, AS INDENTURE  
TRUSTEE OF THE FIELDSTONE  
MORTGAGE INVESTMENT TRUST,  
SERIES 2006-2,

Plaintiff,

v.

NORBERTO ARJONA,

Defendant.

Case No. EDCV 12-1113-UA (DUTYx)

ORDER RE: SUMMARY REMAND  
DUE TO IMPROPER REMOVAL

On July 5, 2012, Norberto Arjona ("Defendant"), lodged a Notice Of Removal, a Complaint for unlawful detainer and damages, and an application to proceed *in forma pauperis*. Plaintiff has brought suit in a straight-forward unlawful detainer action in the San Bernardino County Superior Court, San Bernardino Branch. The Court has denied the aforementioned application under separate cover because this action was not properly removed. As a result, the Court issues this Order to remand the action to state court.

Plaintiff could not have brought this action in federal court based on federal question jurisdiction because the underlying matter is a straight-forward unlawful detainer action. 28 U.S.C. §§ 1331, 1441(a). Further, assuming a claim of diversity

jurisdiction was to be asserted as a basis for removal, the Court notes Plaintiff in the unlawful detainer action seeks damages which do not exceed the \$75,000 threshold, excluding interest and costs. 28 U.S.C. §§ 1332(a), 1441(b).

Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior Court of California, San Bernardino County, San Bernardino Branch, 303 W. Third Street, San Bernardino, California 92415-0210, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the Clerk serve copies of this Order on the parties.

**IT IS SO ORDERED.**

DATED: 7/17, 2012

  
HONORABLE AUDREY B. COLLINS  
Chief United States District Judge

Presented by:

  
HONORABLE OSWALD PARADA  
United States Magistrate Judge